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Attorneys for Petitioner: ADAM ABUKAR ABDINASIR

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO, CALIFORNIA**

ADAM ABUKAR ABDINASIR)	
)	
Plaintiff,)	
)	Case No.
vs.)	
)	
Michael Mukasey, Attorney General of the)	CIVIL ACTION
United States; Michael Chertoff, Secretary of the)	TO COMPEL DEFENDANTS
Department of Homeland Security; Emilio)	TO COMPLETE
Gonzalez, Director of United States Citizenship &)	NATURALIZATION PROCESS
Immigration Services; Robert S. Mueller, III,)	
Director of the Federal Bureau of Investigations;)	INS A# 077615433
Christina Poulos, Director of the California Service)	
Center; et al;)	
)	
Defendants)	
_____)	

To the Honorable Judges of Northern District of California San Francisco Court:

Plaintiff, Adam Abdinasir, through undersigned counsel, alleges as follows:

INTRODUCTION

1. This is a civil action brought pursuant to 8 U.S.C. § 1447, 28 U.S.C. §1331 and 1361, 5 U.S.C. § 701 and 28 U.S.C. §2201 *et. seq.* to redress the deprivation of rights, privileges and immunities secured to Plaintiff to compel Defendants to perform a duty Defendants owe to Plaintiff. Jurisdiction is also conferred by 5 U.S.C. §704.

2. This action is brought to compel Defendants and those acting under them to take action on a Form N-

1 400, Application for Naturalization, (hereafter “the Application”) in order for Plaintiff to become a Naturalized
 2 Citizen of the United States. The Application was filed with the United States Citizenship and Immigration
 3 California Service Center, California on October 18, 2004 by Adam Abdinasir. (See Ex. 1, I-797, Notice of
 4 Action.) Adam Abdinasir was interviewed by an Immigration Officer on April 26, 2005 and successfully
 5 passed the English language and history and government tests. (See Ex. 2, Form N-652, Naturalization
 6 Interview, for proof of successful passage of both tests). To this day, approximately two years and seven
 7 months after the interview, Adam Abdinasir still awaits the decision. Certainly more than 120 days have
 8 passed since the interview in this matter, thus vesting jurisdiction with this court under 8 U.S.C. § 1447.
 9

10 3. Plaintiff is eligible to have his Application adjudicated.

11 4. Defendants, the Department of Homeland Security and U.S. Citizenship and Immigration Services
 12 (USCIS), are charged by law with the statutory obligation to adjudicate this Application.
 13

14 5. Venue is proper under 28 USC §1391(e) because the Plaintiff resides in this district and no real
 15 property is involved in this action.
 16

17 **FACTS**

18 6. Adam Abdinasir became a lawful permanent resident on 9/24/99. He was eligible to file for his United
 19 States Citizenship on 6/24/2004, four years and nine months from the date he became a lawful permanent
 20 resident.
 21

22
 23 7. Adam Abdinasir filed his Form N-400, Application for Naturalization, with the United States
 24 Citizenship and Immigration Naturalization Service Center, California on or about October 18, 2004. (See
 25 Ex. 1, I-797, Notice of Action)
 26

27 8. Adam Abdinasir was interviewed by an Immigration Officer on April 26, 2005 and successfully
 28 passed the English language and history and government tests. (See Ex. 2, Form N-652, Naturalization

1 Interview, for proof of successful passage of both tests). To this day, approximately two years and seven
2 months after the interview, Adam Abdinasir still awaits the decision.

3 9. Plaintiff has sought the assistance of USCIS Customer Service numerous times in this matter. (See Ex.
4 3, 4, 5 Letters from USCIS, Ex. 6 Appointment notice with USCIS San Jose Field Office.)
5

6 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

7 10. Plaintiff has exhausted his administrative remedies. Plaintiff has supplied the USCIS and FBI
8 with documents that clearly establish his eligibility to be naturalized as a U.S. Citizen. Plaintiff has
9 sought the assistance of USCIS Customer Service.
10

11 **CLAIMS**

12 11. Defendants have willfully and unreasonably delayed in and have refused to adjudicate the
13 Application, thereby depriving the Plaintiff of the benefit of becoming a Naturalized U.S. Citizen.
14

15 12. Defendants owe Plaintiff a duty to adjudicate the Petition and have unreasonably failed to perform
16 that duty.
17

18 13. Plaintiff has exhausted any administrative remedies that may exist.

19 WHEREFORE, Plaintiff prays that the Court:

- 20 1. Assume jurisdiction over the case and naturalize the Plaintiff under the terms of 8 USC 1447(b); or
21
22 2. Compel Defendants and those acting under them to perform their duty to adjudicate the Petition; and
23
24 3. Grant such other and further relief as this Court deems proper under the circumstances; and
25 4. Grant Attorney's fees and costs of Court to Plaintiff under the Equal Access to Justice Act.

26 Respectfully submitted this 19th day of November 2007.
27

28 Respectfully submitted,

1 Attorneys for Plaintiff

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Shah Peerally, Esq.
Attorney for Plaintiff

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Erich Keefe, Esq.
7 Attorney for Plaintiff

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9 EXHIBITS

- 10 1. I-797C Notice of Action on N-400 Application;
11 2. N-652, Naturalization Interview Results;
12 3. December 22, 2006 letter from USCIS;
13 4. May 9, 2006 letter from USCIS;
14 5. February 8, 2007 letter from USCIS;
6. April 27, 2007 appointment notice with USCIS San Jose Field Office;
7. Copy of Permanent Resident Card.